

**UNITED STATES DISTRICT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION

Case No. 1:23-cv-01112

Plaintiff,

Hon. Robert J. Jonker
Magistrate Judge Sally J.
Berens

v

JOHN W. HIGGINS, MARTHA R. HIGGINS; and
UNITED STATES OF AMERICA,

Defendants.

UNITED STATES OF AMERICA,

Counterclaim/Crossclaim Plaintiff,

v

JOHN W. HIGGINS, MARTHA R. HIGGINS;

Crossclaim Defendants,

and

JPMORGAN CHASE BANK, N.A.,

Counterclaim Defendant.

**PLAINTIFF JPMORGAN CHASE BANK, N.A.'S MOTION PURSUANT TO FRCP 12(c)
FOR PARTIAL JUDGMENT ON THE PLEADINGS AS TO COUNT I OF ITS SECOND
AMENDED COMPLAINT AGAINST DEFENDANT HIGGINSES FOR JUDICIAL
FORECLOSURE**

Plaintiff JPMorgan Chase Bank, N.A., by counsel, Dykema Gossett PLLC, moves under Fed. R. Civ. P. 12(c) for partial judgment on the pleadings as to Count I of Chase's Second Amended Complaint (SAC) seeking judicial foreclosure as to Lot 18 under Chase's mortgage because Defendants John and Martha Higgins admit in their Answer all material facts regarding the validity and enforceability of Chase's mortgage, Chase's interest in Lot 18 of the Property as legally described in the mortgage, the Higginses' default on their loan, and Chase's entitlement to foreclose. Pursuant to Local Rule 7.1(d), on March 15, 2024, the undersigned contacted Defendant John Higgins by telephone to seek concurrence in this Motion, and concurrence was denied. For the reasons explained in the accompanying brief in support, Plaintiff JPMorgan Chase Bank, N.A. respectfully requests that the Court grant this motion, enter Partial Judgment on the Pleadings in favor of Chase as to Count I, and grant Chase such other relief that the Court deems proper.

To the extent this Court grants this motion and enters judgment on the pleadings for Chase as to Count I of the SAC, Chase reserves the right to submit a proposed Judgment of Foreclosure.

Dated: March 15, 2024

Respectfully submitted,

/s/ Mark J. Magyar
Mark J. Magyar (P75090)
DYKEMA GOSSETT PLLC
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2024, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all registered recipients, and a copy of the foregoing was sent to Defendants John W. and Martha R. Higgins by U.S. Mail to 50102 Alpine Blvd., New Buffalo MI 49117.

/s/ Mark J. Magyar (P75090)